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trial counsel was not constitutionally ineffective for not attacking his five prior New Jersey convictions, both because the attorney could have reasonably believed that the convictions were valid predicates and because Stewart suffered no prejudice. *Id.* at *11.

In his present motion, Stewart relies upon a decision of the court of appeals, *Whiteside v. United States*, 748 F.3d 541, 551 (4th Cir. 2014), which held that “an erroneous application of the career offender enhancement amounts to a fundamental miscarriage of justice that is cognizable on collateral review.” However, Stewart’s reliance on that decision is misplaced. First, it has no application to the reasons his Armed Career Criminal claim was originally denied by this court and second, the panel decision in *Whiteside* was later vacated by the court of appeals en banc. *Whiteside v. United States*, 775 F.3d 180 (4th Cir. 2014).

For these reasons, the defendant’s motion (ECF No. 213) is DENIED.

It is so **ORDERED**.

ENTER: February 19, 2015

/s/ James P. Jones
United States District Judge